

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-32 (Canceled).

Claim 33 (New): A software pay-per-use (PPU) system comprising:

- a first computer having one or more PPU software products;
- a metrics gathering tool associated with each of the one or more PPU software products, wherein each metrics gathering tool monitors and measures usage data for its associated one or more PPU software products;
- a software metering agent residing on the first computer, wherein the software metering agent collects the measured usage data from each metrics gathering tool associated with the one or more PPU software products and collects usage data for all of the one or more PPU software products registered with the software metering agent on the first computer;
- a utility metering appliance connected to a plurality of computers, including the first computer, through a network, wherein the utility metering appliance receives the collected usage data from the software metering agent residing on the first computer and other software metering agents residing on other computers connected to the utility metering appliance through the network; and
- a usage collection and billing system, wherein the usage collection and billing system periodically receives the collected usage data from the utility metering appliance and processes the collected usage data to generate billing information for PPU software products on the plurality of computers connected to the utility metering appliance through the network.

Claim 34 (New): The system of claim 33, further comprising:

- a registry for identifying all of the one or more PPU software products registered with the software metering agent on the first computer, wherein the registry includes identifiers for all of the one or more PPU software products registered with the software metering agent on the first computer and a pathname for each software metering agent associated with each of the one or more PPU software products.

Claim 35 (New): The system of claim 33, wherein the software metering agent reads the pathname in the registry to access the associated metrics gathering tool and collect the measured usage data.

Claim 36 (New): The system of claim 33, wherein the software metering agent collects measured usage data from a plurality of metrics gathering tools.

Claim 37 (New): The system of claim 33, wherein the utility metering appliance is located on a standalone computer on the network.

Claim 38 (New): The system of claim 37, wherein the utility metering appliance is a software program residing on each of the plurality of computers.

Claim 39 (New): The system of claim 33, wherein the metrics gathering tool is an executable script incorporated within the associated PPU software product.

Claim 40 (New): The system of claim 33, wherein the software metering agent is periodically polled by the utility metering appliance.

Claim 41 (New): The system of claim 33, wherein the usage collecting and billing system further comprises:

a billing computer, wherein the billing computer receives the collected usage data from the utility metering appliance and provides a bill to customers of the system based the generated billing information.

Claim 42 (New): The system of claim 41, wherein the usage collecting and billing system provides a web portal, accessible by customers, that displays the billing information.

Claim 43 (New): The system of claim 41, wherein the usage collecting and billing system provides a web portal, accessible by customers, that displays the collected usage data.

Claim 44 (New): The system of claim 33, wherein the usage data includes cumulative usage data accumulated over a given time period or snapshot data.

Claim 45 (New): The system of claim 33, wherein the usage data includes a number of input/output (I/O) transactions processed in a given time period.

Claim 46 (New): The system of claim 33, wherein the usage data associated with the one or more of the PPU software products is based on one or more of the following: number of users of the system, number of users of a given type, software license level, number of transactions processed per minute, total number of transactions processed, number of files created, sizes of files created, number of keystrokes processed, number of times a specific software product feature has been accessed and number of computers on the system using one or more of the PPU software products.

Claim 47 (New): The system of claim 33, wherein the software metering agent communicates to the utility metering appliance using one or more of a Simple Network Management Protocol, Web-Based Enterprise Management Protocol, Desktop Management Interface and Hypertext Transfer Protocol.

Claim 48 (New): The system of claim 33, further comprising:

- a second computer, from the plurality of computers, having one or more PPU software products;

- a metrics gathering tool associated with each of the one or more PPU software products on the second computer, wherein each metrics gathering tool monitors and measures usage data for its associated one or more PPU software products on the second computer; and

- a software metering agent residing on the second computer, wherein the software metering agent collects the measured usage data from each metrics gathering tool associated with the one or more PPU software products and collects usage data for all of the one or more PPU software products registered with the software metering agent on the second computer, and wherein the software metering agent residing on the second computer is connected to the utility metering appliance through the network and the utility metering appliance receives the collected usage data associated with the second computer from the software metering agent residing on the second computer.

Claim 49 (New): The system of claim 48, the usage collection and billing system periodically receives the collected usage data associated with the second computer from the

utility metering appliance and processes the collected usage data associated with the second computer to generate billing information for PPU software products on the second computer.

Claim 50 (New): The system of claim 33, wherein the software metering agent collects measured usage data from a plurality of metric gathering tools in the first computer and transmits the collected usage data from the plurality of metric gathering tools to the utility metering appliance.

Claim 51 (New): The system of claim 50, wherein the utility metering appliance receives the collected usage data from a plurality of software metering agents residing on the plurality of computers and transmits the collected usage data from the plurality of software metering agents to the usage collection and billing system.

Claim 52 (New): A computer implemented method for generating a bill for using a pay-per-use (PPU) software product, the method comprising:

- measuring usage data associated with one or more PPU software products using a metrics gathering tool at a first computer having one or more PPU software products, wherein one metrics gathering tool is associated with each of the one or more PPU software products;

- collecting the measured usage data from each metrics gathering tool associated with each of the one or more PPU software products using a software metering agent, wherein the software metering agent collects usage data for all of the one or more PPU software products registered with the software metering agent on the first computer;

- receiving the collected usage data from the software metering agent residing on the first computer and from a plurality of other software metering agents residing on a plurality of computers, wherein the collected usage data is collected at a utility metering appliance connected to the plurality of computers, including the first computer, through a network;

- processing the collected usage data from each metrics gathering tool associated with each of the one or more PPU software products on the first computer received from the utility metering appliance; and

- generating the bill for using the one or more PPU software products on the first computer based on the processed collected usage data from the first computer.

Claim 53 (New): The method of claim 52, further comprising:

identifying all of the one or more PPU software products registered with the software metering agent on the first computer by a registry, wherein the registry includes identifiers for all of the one or more PPU software products registered with the software metering agent on the first computer and a pathname for each software metering agent associated with each of the one or more PPU software products.

Claim 54 (New): The method of claim 53, further comprising:

reading the pathname in the registry to access the metrics gathering tool associated with the PPU software product; and
collecting the measured usage data associated with the PPU software product.

Claim 55 (New): The method of claim 52, further comprising:

collecting the measured usage data from a plurality of metrics gathering tools.

Claim 56 (New): The method of claim 52, further comprising:

periodically polling the software metering agent by the utility metering appliance to retrieve the measured usage data.

Claim 57 (New): The method of claim 52, further comprising:

measuring usage data associated one or more PPU software products on a second computer using metrics gathering tools on the second computer, wherein a metrics gathering tool is associated with each of the one or more PPU software products; and

collecting the measured usage data from each metrics gathering tool associated with each of the one or more PPU software products at a software metering agent on the second computer and from all of the one or more PPU software products registered with the software metering agent on the second computer, wherein the software metering agent residing on the second computer is connected to the utility metering appliance through the network and the utility metering appliance receives the collected usage data associated with the second computer from the software metering agent residing on the second computer.

Claim 58 (New): The method of claim 57, further comprising:

processing the collected usage data from each metrics gathering tool associated with each of the one or more PPU software products on the second computer received from the utility metering appliance; and

generating the bill for using the one or more PPU software products on the second computer based on the processed collected usage data from the second computer.

59. (New): A computer readable storage medium containing instructions for generating a bill for using a pay-per-use (PPU) software product, by:

measuring usage data associated with one or more PPU software products using a metrics gathering tool at a first computer having one or more PPU software products, wherein one metrics gathering tool is associated with each of the one or more PPU software products;

collecting the measured usage data from each metrics gathering tool associated with each of the one or more PPU software products using a software metering agent, wherein the software metering agent collects usage data for all of the one or more PPU software products registered with the software metering agent on the first computer;

receiving the collected usage data from the software metering agent residing on the first computer and from a plurality of other software metering agents residing on a plurality of computers, wherein the collected usage data is collected at a utility metering appliance connected to the plurality of computers, including the first computer, through a network;

processing the collected usage data from each metrics gathering tool associated with each of the one or more PPU software products on the first computer received from the utility metering appliance; and

generating the bill for using the one or more PPU software products on the first computer based on the processed collected usage data from the first computer.

Claim 60 (New): The computer readable storage medium of claim 59, further comprising:

identifying all of the one or more PPU software products registered with the software metering agent on the first computer by a registry, wherein the registry includes identifiers for all of the one or more PPU software products registered with the software metering agent on the first computer and a pathname for each software metering agent associated with each of the one or more PPU software products.

Claim 61 (New): The computer readable storage medium of claim 60, further comprising:

reading the pathname in the registry to access the metrics gathering tool associated with the PPU software product; and

collecting the measured usage data associated with the PPU software product.

Claim 62 (New): The computer readable storage medium of claim 59, further comprising:
collecting the measured usage data from a plurality of metrics gathering tools.

Claim 63 (New): The computer readable storage medium of claim 59, further comprising:
periodically polling the software metering agent by the utility metering appliance to retrieve the measured usage data.

Claim 64 (New): The computer readable storage medium of claim 59, further comprising:
measuring usage data associated one or more PPU software products on a second computer using metrics gathering tools on the second computer, wherein a metrics gathering tool is associated with each of the one or more PPU software products; and

collecting the measured usage data from each metrics gathering tool associated with each of the one or more PPU software products at a software metering agent on the second computer and from all of the one or more PPU software products registered with the software metering agent on the second computer, wherein the software metering agent residing on the second computer is connected to the utility metering appliance through the network and the utility metering appliance receives the collected usage data associated with the second computer from the software metering agent residing on the second computer.

Claim 65 (New): The computer readable storage medium of claim 64, further comprising:
processing the collected usage data from each metrics gathering tool associated with each of the one or more PPU software products on the second computer received from the utility metering appliance; and

generating the bill for using the one or more PPU software products on the second computer based on the processed collected usage data from the second computer.